

REMARKS

Claims 1-10, 13 and 17-101 are pending in the application.

Claims 1-10, 13 and 17-101 stood rejected in the final Office Action dated June 5, 2006 (referred to hereinafter as simply the Office Action or the final Office Action).

Claims 1, 13, 17, 19, 21, 21, 39, 46, 54, 59, 67 and 84-85 have been amended.

Rejection of Claims under 35 U.S.C. §102

Claims 22-26, 36-38 and 46-58 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Beck, et al., U.S. Patent No. 6,332,154 (Beck). Applicants respectfully submit that the amendments presented herein overcome this rejection, as the rejected claims now include limitations deemed allowable under the pending rejection under 35 U.S.C. § 102(e).

Rejection of Claims under 35 U.S.C. §103

Claims 1-10, 13, 17-21, 34, 39-42, 59-76 and 84-94 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rahman, U.S. Patent No. 6,463,292 (Rahman) in view of Beck, et al., U.S. Patent No. 6,332,154 (Beck). Applicants respectfully submit that the amendments presented herein overcome this rejection.

Claims 27-33, 35, 43-45, 77-83 and 95-101 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rahman, U.S. Patent No. 6,463,292 (Rahman) and Beck, et al., U.S. Patent No. 6,332,154 (Beck), further in view of Price, U.S. Patent No. 6,389,132 (Price).

In order for a claim to be rendered invalid under 35 U.S.C. § 103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. § 103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Claim 1, for example, reads as follows:

1. A method for communicating comprising:
obtaining an event communicated via an incoming communication channel of a plurality of communication channels, wherein
each communication channel of the communication channels has a media type,
at least two communication channels of the communication channels have different media types, and
the event corresponds to a work item available via the incoming communication channel;
providing a notification of the work item via a user interface;
receiving an activation of a work item object of the user interface, the work item object being associated with the work item, wherein the activation of the work item object is associated with selecting one communication channel of the plurality of communication channels for working on the work item;
accessing a user interface object table to identify a command associated with the activation of the work item object;
accessing a command table to identify a channel driver comprising the command associated with the activation of the work item object; and
causing the channel driver to issue the command to an outgoing communication channel of the communication channels.

By contrast, Rahman provides

“A message redirection system includes a data protocol detector for detecting an alert message of a particular protocol received by the mobile station, a user interface manager for displaying user-interactive prompts in response to the detected alert message and accepting user input for redirecting the data message to a communications network element, and an encoder for encoding the user input into a modulating signal compatible with a communications channel.” (Rahman, Abstract)

By further contrast, Beck provides

“In a multimedia call center (MMCC) operating through an operating system, a client-specific self-help wizard is provided for active clients and updated periodically with information related to client transaction history with the MMCC. A connected client is presented by the wizard with a selective media function through which the client may select a media type for interaction and help, and the MMCC will then re-contact the client through the selected media. The client, for example, may select IP or COST telephony, and the MMCC will place a call to the client to a number or IP address listed for the client, and interactivity will then be through an interactive voice response unit. Help information specific to a client is updated in the client's wizard periodically

according to ongoing transaction history with the MMCC. The wizard may also monitor client activity with the wizard and make reports available to various persons.” (Beck, Abstract)

By still further contrast, Price provides

“A system for a web-based call center to provide assistance to multiple simultaneous customers. The system includes at least one external communication pathway through which a customer can submit a request to the enterprise contact center. The enterprise contact center includes a pool of agents that can provide information in response to requests submitted by customers. The system also includes a software engine that routes and schedules customer request to available agents via internal communication pathways. Agents can view customer data on a user interface. The customer data can aid the agents in providing information to the customers. Agents can multi-task by providing assistance to multiple customers at one time. Agents can respond to customer requests using web and telephone communication pathways.” (Price, Abstract)

The Office Action therefore fails to successfully establish the presence of these limitations in Rahman, Beck or Price, alone or in permissible combination. The burden is on the Examiner to support a case of obviousness, including whether the prior art references teach or suggest all of the claim limitations. *See* MPEP 706.02(j). For the reasons presented above,

Rahman, Beck and Price, either taken alone or in permissible combination, teach the limitations of claim 1.

In addition, Applicants also respectfully submit that the Examiner has not satisfied the burden of factually supporting the alleged motivation to combine the two references. The Examiner's duty may not be satisfied by engaging impermissible hindsight; any conclusion of obviousness must be reached on the basis of facts gleaned from the references. The Examiner must therefore provide evidence to suggest the combination and "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" *See In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Further, the Office action does not establish that such a combination of the teachings of these references would meet with success, as required.

Applicants respectfully submit that such an argument fails to establish a *prima facie* case of obviousness and runs perilously close to a forbidden hindsight analysis of the references. The Office Action makes no showing of a motivation to combine Ref1 with Ref2 from within the references themselves; therefore, it must be presumed that there is none. It is well-established that the best defense to hindsight is a "rigorous application of the requirement for a showing of a teaching or motivation to combine the prior art references." *See Ecolochem, Inc. v. Southern California Edison Co.*, 227 F.3d 1361, 1371 (Fed. Cir. 2000); *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25 (Fed. Cir. 2000). A showing of combinability must be "clear and particular" and "broad conclusive statements about the teaching of multiple references, standing alone, are not 'evidence.'" *See Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 666 (Fed. Cir. 2000); *Brown & Williamson*, 229 F.3d at 1125.

The reason, suggestion, or motivation to combine may be found explicitly or implicitly: 1) in the prior art references themselves; 2) in the knowledge of those of ordinary skill in the art that certain references, or disclosures in those references, are of special interest or importance in the field; or 3) from the nature of the problem to be solved, “leading inventors to look to references relating to possible solutions to that problem.”

Ruiz, 234 F.3d at 665.

The Office Action presents nothing more than broad, generalized statements related to the motivation of a person of ordinary skill, which Applicants respectfully submit is insufficient to support a finding of obviousness. The Office Action does not establish that the references which are combined are of special interest or importance in the field. Nor does the Office Action present any evidence of a problem to be solved from within those references themselves.¹ Instead, the Office Action fabricates such a problem to be solved, not from the teachings of the cited references, but from the teaching of Applicants’ own disclosure.

Using Applicants’ own disclosure as a blueprint for providing the motivation to combine prior art references in an obviousness determination is impermissible. *See W.L. Gore & Assoc. v. Garlock*, 721 F.2d 1540, 1552-53 (Fed. Cir. 1983) (“To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.”).

As to the position taken in the Advisory Action, dated August 25, 2006, regarding the amendment of claim 1, particularly with regard to claim 27, Applicants have further amended claim 1 to address the concerns expressed therein.

¹ There must be a finding that “there was a disadvantage to the prior systems, such that the ‘nature of the problem’ will have motivated a person of ordinary skill to combine the prior art references.” *Id.* at 666.

With regard to motivation to combine, the Examiner has kindly referred Applicants to Beck, col 1, ll. 20-24:

“The present invention is in the field of telecommunication encompassing all existing sorts of interaction multimedia technology, and pertains more particularly to methods and apparatus for providing media independent self-help modules presented as part of a customer interface associated with a multimedia communication-center.” (Beck, col 1, ll. 20-24)

Applicants fail to discern how the foregoing passage demonstrates a motivation to combine Beck with anything, as this passage is simply a statement of the Field of the Invention, and in no way conveys a need recognized therein, save possibly for the solution described therein as the invention. Even such a characterization is something of a stretch, as this passage is merely intended to described the area of technology to which Back’s invention pertains. How this passage can be read to demonstrate a need for anything disclosed in Price (or in any other reference for that matter) reads into the passage far more than exists therein.

With regard to motivation to combine, the Examiner has also referred Applicants to Price, col 1, ll. 52-65:

“The system includes at least one external communication pathway through which a customer can submit a request to the web-based call center. The web-based call center includes a pool of agents that can provide information in

response to requests submitted by customers. The system also includes a software engine that routes and schedules customer request to available agents via internal communication pathways. Agents can view customer data on a user interface. The customer data can aid the agents in providing information to the customs. Agents can multi-task by providing assistance to multiple customer at one time.” (Price, col 1, ll. 52-65)

Again, Applicants fail to discern how the foregoing passage demonstrates a motivation to combine Price with anything, as this passage is simply a Summary of the Invention, and in no way conveys a need recognized therein, save for features of the solution described therein as the invention. Certainly, this passage fails to convey a need not already met by the invention disclosed in Price. As before, how this passage can be read to demonstrate a need for anything disclosed in Beck (or in any other reference for that matter) reads into the passage far more than exists therein.

Applicants would request that, should the Examiner maintain that the foregoing passages demonstrate motivation to combine these references, and not simply that the references might pertain to similar areas of technology (a point which Applicants to not necessarily concede), Applicants request that a fuller and more detailed explanation of this line of reasoning be provided in the next Office Action, should such be issued.

For these reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of claims 1, 13, 17, 19, 21, 21, 39, 46, 54, 59, 67 and 84-85, and all claims dependent upon them, and that they are in condition for allowance. Applicants therefore request the Examiner’s reconsideration of the rejections to those claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 5, 2006.

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Date of Signature

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